

the process of obtaining land. Thomas Kerey, who claimed three hundred acres for transporting himself and others into Maryland, said that he had proved his rights and had had a warrant for the acreage, but that no certificate had been filed by the county surveyor. He petitioned the Court for a certificate and a patent. George Johnson, the surveyor, said that he had certainly returned the certificate to the secretary's office, but that he had spelled Kerey's name as Carey. As well he might! The records were searched, and a certificate for three hundred acres was found under the name of "Charges Adventure" surveyed for Thomas Carey. The Court was satisfied that it was only a mistake, and ordered that a patent for the land issue accordingly. But the Court, like the surveyor, spelled the grantee's name as Carey (*post*, p. 60). In another case, the patent when it was issued said two hundred perches when the certificate had said four hundred. The Court looked into the matter and, having been convinced that it was an error of the clerk, ordered the faulty patent cancelled and another issued according to the certificate (*ibid.*, p. 137). In another case the deputy surveyor for Anne Arundel County left one line of the land completely out of the certificate he made out for Thomas Prat, and, when he confessed this, the Court granted Prat's petition and ordered that he have a patent according to the corrected certificate (*ibid.*, p. 179). In both of these cases the Court was exercising equity functions.

Getting a patent from the Proprietary was sometimes neglected as long as the owner could. With the patent, began the quit rents due the Proprietary, and the grantee saw no reason to pay them until he must. Sometimes he was caught up with and his land taken from him. Samuel Withers of Anne Arundel County, gentleman, had had surveyed for him two hundred acres of land in Talbot County. Yet he had not sued forth a patent within the time set in the Conditions of Plantation, so that "the said Two hundred acres of land is become Escheated to the Right hon^{ble} the Lord Proprietary", and the sheriff of Talbot was ordered to seize it. The record shows that Sheriff Tully did as he was commanded to do (*ibid.*, p. 96). Nor does it appear that Withers managed to get the land back, though he continued to live in Talbot and to hold positions of trust.

Since all the land in the Province belonged to the Proprietary until he granted it to someone else, it followed that he had the right to reserve for himself any land in the Province not already granted. Usually he did this when he was not yet ready to have it opened for settlement. On April 15, 1674, for instance, the Captain General and Governor, Charles Calvert, delivered up the patents for four pieces of land, "The said severall parcellls of Land being reserved for his Lo^{pps} use" (*post*, p. 271). And a year later, on May 6, 1675, an undetermined quantity of Anne Arundel County land adjoining that recently surveyed for the Governor was "reserved for his Lo^{pps} use. (*ibid.*, p. 584). This was only about six months before Cecilius, first Proprietary, died, and his son, Governor Charles Calvert succeeded him as Proprietary.

The great majority of the land cases considered in these proceedings, it scarcely needs to be said, concerned two private parties, that is, they did not arise out of grants, though, of course, all of them ran back to that source. Many